

# United States District Court

Western DISTRICT OF Texas

**FILED**

FEB 07 2014

UNITED STATES OF AMERICA

V.

Horacio GARDEA-Marruso  
Hector SOLIS Jr.

## CRIMINAL COMPLAINT

CASE NUMBER: *P-14-MJ-101*

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]*  
DEPUTY CLERK

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 7, 2014, in **Presidio County**, in the **Western District of Texas**, defendant(s) did, and others, aiding and abetting one another, knowingly and intentionally possess with the intent to distribute **Marijuana**, to wit: over **50 kilograms** of **Marijuana**, a Schedule I Controlled Substance in violation of Title 21 United States Code, Section(s) 841(a)(1).

I further state that I am a United States Immigration and Customs Enforcement Special Agent and that this complaint is based on the following facts:

### See Attached Affidavit

Continued on the attached and made a part hereof:   X   Yes        No

*[Signature]*  
\_\_\_\_\_  
Signature of Complainant  
Mike Wright, Senior Special Agent

Sworn to before me and subscribed in my presence,

February 7, 2014

Date

Dwight Goains, U.S. Magistrate Judge

Name & Title of Judicial Officer

Alpine, Texas

City and State

*[Signature]*  
\_\_\_\_\_  
Signature of Judicial Officer

## AFFIDAVIT

On February 4, 2014 at approximately 1325 hours, a white 1999 Ford F 150 bearing a Mexican Temporary registration permit entered the United States at the Presidio, Texas Port of Entry from the Republic of Mexico. The vehicle was referred to secondary inspection and x-rayed. The results of the x-ray showed anomalies in all four vehicle tires. These anomalies are consistent with contraband smuggling. US Customs and Border Protection officers referred this information to Homeland Security Investigations (HSI) Presidio, Texas for further investigation.

HSI Presidio allowed the driver and vehicle to proceed into the United States and constant surveillance was maintained on the vehicle and the driver in an effort to further the entry of the contraband and identify other co-conspirators. HSI agents maintained constant surveillance of the vehicle from Presidio, Texas to Topeka, Kansas.

On February 6, 2014, at approximately 2030 hours, the vehicle arrived at the Super 8 Hotel located on 5922 SW Topeka Blvd. Constant surveillance of the vehicle was maintained while in the parking lot of Super 8. Kansas Bureau of Investigation (KBI) was notified of this information and assisted with the investigation.

On February 7, 2014, at approximately 0830 hours, agents followed the vehicle to a residence located at 1007 NE Green in Topeka. The vehicle parked in the backyard. Agents observed three Hispanic males removing items from a gold colored sport utility vehicle (SUV) registered to Hector SOLIS Jr. Soon after, agents observed two individuals depart the residence in the gold colored SUV and a traffic stop was initiated. The two individuals were identified as Hector SOLIS Jr. and Miguel Angel Dominguez-Salinas.

Agents moved in to secure the residence for the purpose of obtaining a search warrant. Agents encountered Horacio GARDEA-Marruso as the residence was being secured. A search warrant was obtained through the Shawnee County District Court for the State of Kansas for the residence belonging to SOLIS. Agents discovered a press machine commonly used by narcotics smugglers to compress bulk marijuana into bricks.

Agents also discovered that the two front tires of the Ford F150 had been removed from the vehicle which was parked in the back yard. GARDEA stated in a post Miranda interview that he had removed the tires from the vehicle at SOLIS' request. The tires were later removed from the rims and agents discovered that all four rims had steel canisters wrapped around the rims. A hole was drilled into one of the steel containers and a green leafy substance was removed. The green substance field tested positive for the properties of

Marijuana. A total of eight steel containers with and an approximate gross weight of over 50 kilograms were removed from within all eight of the containers.

Assistant United States Attorney (AUSA) Monty Kimball of the Western District of Texas was informed of the arrest and seizure. AUSA Kimball approved federal prosecution of SOLIS and GARDEA.